

REMARKS

Reconsideration and allowance based on the following remarks are respectfully requested.

By this Amendment, claim 14 is newly added. Claim 14 is patentable over the combination of Hentilä and Donovan for reasons commensurate with those provided herein with regard to pending claim 1-13. Support for newly added claim 14, may be found, for example, in paragraphs [0047]-[0061] of the specification. No new matter has been added. After entry of this Amendment, claims 1-14 will remain pending in the patent application.

Claims 1-13 were rejected under 35 U.S.C. §103(a) based on Hentilä *et al.* (U.S. Pat. No. 6,044,259) (hereinafter "Hentilä") in view of Donovan *et al.* (U.S. Pat. No. 5,903,726) (hereinafter "Donovan"). Applicants traverse the rejection because one of ordinary skill in the art would not have combined the teachings of Hentilä and Donovan to provide the claimed invention.

As conceded by the Office Action, Hentilä does not teach or suggest a message communication including one or more messages sent from or to a mobile station without setting up an end-to-end connection. However, the Office Action relied on Donovan as allegedly teaching this feature and has asserted that it would have been obvious to combine the teachings of Hentilä with Donovan "such that wireless carrier provider would be profited from such special service."

Applicants respectfully disagree and submit that the Office Action has failed to establish a *prima facie* case of obviousness because its asserted motivation to combine Hentilä and Donovan is based on erroneous analysis. In fact, both Hentilä and Donovan teach away from their hypothetical combination.

Hentilä and Donovan actually teach two completely different systems designed with different operating requirements and, therefore, different objectives. Hentilä merely relates to an intelligent network wherein the charge for a call is made during the call based on charging pulses and charging information about the call given by a Service Control Point (SCP). Donovan relates to charging of different short messages when short message service is used between PCS subscribers. There is absolutely no motivation or suggestion to combine their teachings.

As previously asserted in the Amendment dated June 1, 2004, Hentilä merely discloses a system wherein the charge for a call is made during the call. (See col. 3, lines 45-51). Moreover, Hentilä specifically discloses that the charge for the call is made when an

end-to-end connection is established. (See col. 7, lines 1-12). However, Hentilä is completely silent as to the feature of being able to charge for messages when an end-to-end connection is not established. Therefore, according to Hentilä's teaching, nothing would be charged when a message is sent from or to a mobile station without setting up an end-to-end connection. Thus, by virtue of specifically requiring an established end-to-end connection to charge for the call, there is no motivation or suggestion to add the features provided by Donovan to the services provided by the network disclosed in Hentilä.

Furthermore, the Office Action (page 2, paragraph 3) asserted that Hentilä teaches retrieving the communication bill of the intelligent network from the charging file. However, to the contrary, Donovan specifically teaches that call detail records containing information on short messages are sent to a billing system. (See col. 7, lines 8-15). Therefore, Hentilä's method for charging message communications teaches away from Donovan's method and vice versa.

Therefore, the Examiner has not set forth a proper *prima facie* case of obviousness by combining Hentilä and Donovan because, as mentioned previously, there is no motivation or suggestion to combine these references. Therefore, claims 1-13 are patentable. Accordingly, reconsideration and withdrawal of the rejection of claims 1-13 under 35 U.S.C. §103(a) based on Hentilä in view of Donovan are respectfully requested.

The rejection having been addressed, Applicants respectfully request the entry of the Amendment, the Examiner's reconsideration of this application, and the issuance of a notice of allowance indicating the allowability of pending claims 1-14. If anything further is necessary to place the application in condition for allowance, Applicants request that the Examiner contact Applicants' undersigned representative at the telephone number listed below.

HERAJARVI ET AL. -- 09/850,036
Client/Matter: 060258-0280308

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Respectfully submitted,

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